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In re Application of :
Lutz Riechmann et al :
Serial No.: 09/710,444 : PETITION DECISION
Filed: November 10, 2000 :
Attorney Docket No.: 8039-1090 :

This is in response to the petition under 37 CFR 1.181, filed September 29, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply.

A review of the file history shows that the examiner mailed a first Notice to comply with Sequence Rules on February 27, 2002, setting a one month extendable time period for compliance. Applicants submitted a first CRF sequence listing on July 30, 2002, including a four month extension of time. The listing was found to contain numerous compliance errors. Applicants were notified of the errors in a letter to comply mailed on October 23, 2002, setting a one month extendable time period for reply. Applicants replied on November 13, 2002, by mailing the new CRF disk to BOX NON FEE AMENDMENT rather than the Arlington, VA address suggested. This appears to have been an inadvertent error. As a consequence the disk was unreadable. A new letter requiring compliance was mailed to applicants on March 17, 2003, accompanied by the raw sequence listing error report. Applicants filed a new CRF disk on April 11, 2003. Upon review, this CRF disk also contained errors and was thus not in compliance with the Sequence Rules. As a consequence, the examiner mailed a Notice of Abandonment to applicants on September 22, 2003, accompanied by a copy of the raw sequence listing error report. The reason for abandonment was failure to comply with sequence rules. Applicants filed this petition on September 29, 2003, stating that all letters from the Office have been timely replied to and requesting withdrawal of abandonment. No new CRF was filed with the petition. Therefore the application is not in condition for examination as applicants have not complied with the sequence requirements of the Office. Therefore the holding of abandonment will not be withdrawn at this time. Applicants are, however, given one month from the date of mailing of this decision to file a fully compliant CRF. If a fully compliant CRF is timely filed the holding of abandonment will be withdrawn. NO EXTENSIONS OF TIME WILL BE PERMITTED.

The petition is **DISMISSED** until the above CRF condition is met..

The application will be retained in storage.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-272-0519 or by facsimile sent to the general Office facsimile number.



John Doil

Director, Technology Center 1600